

## **Exhibit C**

## David Rothstein

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**From:** David Rothstein <drothstein@rothsteinlawfirm.com>  
**Sent:** Wednesday, February 10, 2016 4:23 PM  
**To:** 'Lewis, Edith'  
**Subject:** RE: Irani and California proceedings

Edith. Thank you for forwarding Dr. Eady's response. I was not involved in the California Medical Board proceeding and only found out about Dr. Eady's testimony in that matter well after the fact. I understand that both the Deputy Attorney General in California and Dr. Irani's California lawyer (Marvin Firestone) issued subpoenas for Dr. Eady's appearance at the hearing in the fall of 2014. My only understanding of that situation is consistent with Dr. Eady's explanation as set forth in his e-mail below--that he believed he was compelled to respond to the subpoenas in California, and he took what he understood to be the appropriate steps to notify VA officials and his supervisor about the subpoena and to arrange the time off to testify.

My involvement with Mr. Rudie and your office came up much later, in May or June of 2015, in Dr. Irani's civil case in South Carolina, when Kathy Dudley Helms attempted to subpoena Dr. Eady to testify in a deposition. Mr. Rudie initially took the position that the VA would deny the subpoena based on the Touhy regulations. After several weeks of back-and-forth with Ms. Helms, he changed his mind and said that he would allow her to take Dr. Eady's deposition. I think Ms. Helms showed Mr. Rudie the transcript from Dr. Irani's California Medical Board hearing where Dr. Eady testified, which caused Mr. Rudie to change his position on Dr. Eady's deposition. Dr. Eady is merely trying to testify truthfully to matters that he observed during his participation in the Palmetto Health/USC School of Medicine residency program in orthopaedic surgery. Please call me if you would like to discuss this further. Thanks, Dave.

David E. Rothstein  
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**From:** Lewis, Edith [mailto:edith.lewis@va.gov]  
**Sent:** Wednesday, February 10, 2016 2:47 PM  
**To:** 'David Rothstein' <drothstein@rothsteinlawfirm.com>  
**Subject:** FW: Irani and California proceedings

FYI

Edith W. Lewis  
Attorney  
Department of Veterans Affairs  
Office of Regional Counsel  
803-647-5793 (direct line)  
803-647-5839 (main line)  
803-647-2891 (fascimile)

**From:** Lewis, Edith  
**Sent:** Wednesday, February 10, 2016 2:46 PM  
**To:** Eady, John L.  
**Cc:** 'drothstein@rothsteinlawfirm.com'  
**Subject:** RE: Irani and California proceedings

Dr. Eady, my office did not send you the California subpoena. It is odd that all other requests for you to testify including as an expert or for a declaration have been presented to this office by you or your attorney. It appears you went through your supervisor, which does not follow Touhy guidance as your supervisor is not the Touhy official. However, thank you for the information.

Edith W. Lewis  
 Attorney  
 Department of Veterans Affairs  
 Office of Regional Counsel  
 803-647-5793 (direct line)  
 803-647-5839 (main line)  
 803-647-2891 (facsimile)

**From:** Eady, John L.  
**Sent:** Wednesday, February 10, 2016 2:23 PM  
**To:** Lewis, Edith  
**Cc:** 'drothstein@rothsteinlawfirm.com'  
**Subject:** RE: Irani and California proceedings

Ms. Lewis,

The subpoena from the District Attorney in California for me to appear in California was sent to me apparently by someone from your office as it was delivered to me through the office mail system. I submitted the data back through my supervisor with a request for leave to attend this hearing, which was approved (see below). I also got a subpoena from Dr. Irani's lawyer in California and sent it through channels but heard nothing from it. If you wish copies of the subpoenas I can provide them. The leave was approved and I heard nothing else from your office or Mr. Rudie's about it until the message traffic between Mr. Rudie and Ms. Dudley-Helms. She apparently claims that I knew I didn't have to testify in California since I didn't live there. She is in error. I responded to the subpoenas as I believed I was required to do and had approval for. 08:00A 29-Sep-14 to 05:00P 1-Oct-14 3 days Authorized Absence Approved

Responding to a court order from California.

Requested: 10-Sep-14 4:26pm

I was not asked to provide any written documents/opinion prior to the testimony as Mr. Rothstein is presently requesting. When Mr. Rudie was doing the coverage for Dorn, he initially denied the subpoena by MS. Dudley-Helms for me to testify in this matter. Then he changed his mind and said that since I had a personal e-mail that I used to correspond with the lawyers he approved the subpoena. MS. Dudley-Helms never called me to testify in this matter, as she had so vociferously pursued previous to Mr. Rudie's change of opinion. John Eady

**From:** Lewis, Edith  
**Sent:** Wednesday, February 10, 2016 10:30 AM  
**To:** 'David Rothstein'; Eady, John L.  
**Subject:** Irani and California proceedings  
**Importance:** High

Good morning. Do either of you have any written documentation (or verbal) regarding VA approval for Dr. Eady to testify in Dr. Irani's California proceedings? Jason Rudie and I have no such records of verbal or written approval. I only have records reflecting VA approval of Dr. Eady's deposition that did not subsequently occur.

Please advise and thank you.

Edith W. Lewis  
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